

EXHIBIT P

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April 18, 2001

By Facsimile and Regular Mail

Michael Caffrey
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

**Re: *Interfaith Community Organization v. Honeywell International
Inc., et al.***

Dear Michael:

On December 14, 2000, we noticed Emil Walerko's deposition. Please provide me with dates on which Mr. Walerko is available for his deposition at your earliest convenience. I would prefer May 7, 8, 9, 10 or 11th. The deposition may take 2 days to complete.

Very truly yours,



William F. Hughes

cc: All Counsel of Record

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April 23, 2001

By Facsimile and First-Class Mail

David Field, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

Re: Interfaith Community Organization, et al. v. Honeywell International et al.

Dear David:

In accordance with the Court's instructions at the April 20th status conference, I am sending this letter to more fully identify specific deficiencies in Honeywell's privilege log. As described herein, numerous entries on Honeywell's log do not meet the requirements of Fed.R.Civ.P. 26(b)(5) and this Court's Local Rules because they fail to provide the date, type of document, author, addressees, copyees, subject matter and/or nature of the documents Honeywell seeks to withhold from discovery. Listed below are just a few examples of the types of deficiencies that Grace has noted in the Honeywell log. These examples do not constitute the full list of deficient entries, but are merely illustrations of the kind of deficient entries found throughout the log.

**1. Most Entries Provide Virtually No Information Regarding
The Allegedly Privileged Documents**

There are many entries that provide virtually *no* information whatsoever regarding the withheld documents. For example, over thirty of the entries simply state "N/A" in the author, recipient, and "cc" columns, and fail to identify the type of document. (*See, e.g.*, Honeywell log. p. 82, 4th entry, "1 [page], Undated, N/A, N/A, N/A, Marked 'Privileged & Confidential,' Subject to Attorney Work Product Doctrine, Draft report re: redevelopment strategies for RDI site;" and Honeywell log. p. 30, 4th entry - "2 [pages], Undated, N/A, N/A, N/A, Subject to Attorney Work Product Doctrine, Handwritten notes re: Jersey City Chromium litigation"). These and similar entries fail to provide the basic information required by the Federal Rules and Local Rules, and must be supplemented to provide a sufficient basis for Grace (and ultimately the Court) to assess the validity of the asserted privilege.

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David Field, Esq.
April 23, 2001
Page 2

Moreover, for many of these documents the "privilege claimed" category provides nothing more than boilerplate, conclusory statements. In these cases, the privilege log provides absolutely no information from which Grace or the Court could determine the validity of the privilege. (See, e.g., Honeywell log p. 15, last entry, "1 [page], Undated, N/A, N/A, N/A, Handwritten Notes re: legal strategy;" and Honeywell log p. 17, 5th entry, "15 [pages], 1/20/1984, N/A, N/A, N/A, ... Draft report re: remediation activities at the Daylin/Grace site.") Indeed, one particularly skeletal entry provides absolutely no information regarding author or recipient, stating merely, "[a]ttorney handwritten notes re: chrome issues," without any circumstantial facts to verify that the unknown author is in fact an attorney. (See Honeywell log p. 65, 2d entry.) Given the current state of Honeywell's log, it is impossible to determine whether any colorable claim of privilege exists as to these documents.¹

Please provide an amended log repairing these and all similar deficiencies so that each entry fully identifies the date, type of document, author, addressees, copyees, subject matter and nature of each document for which Honeywell is asserting a privilege. *Torres v. Kuznysz*, 936 F. Supp. 1201 (D.N.J. 1996).

2. Honeywell Cannot Group All Litigation-Related Documents Into A Single Entry

For documents relating to litigation other than the *ICO* case, Honeywell simply states "various" to describe the number of pages, date, author, recipient and cc's, and then includes in the "privilege claimed" category the following boilerplate statement: "various correspondence among counsel ...relating to" a named lawsuit or administrative proceeding. (See e.g. Honeywell log at p. 112.) This is unacceptable. Apparently, instead of reviewing the files in each of these proceedings to determine which documents may or may not be privileged and specifically listing them on the log, Honeywell is asserting a blanket claim of privilege for all documents that may be in the litigation files of these cases. These entries do not identify even the volume or number of documents withheld. These claims of privilege are insufficiently established and cannot be upheld. See, e.g., Comment 4 to L.Civ.R. 33.1; *Torres*, 936 at 1208-1214; *Wei v. Bodner*, 127 F.R.D. 326, 331 (D.N.J. 1990) (holding that the information required by Fed.R.Civ.P. 26(b)(5) must be provided to the party opposing privilege in order to provide a full and fair opportunity to oppose the assertion of privilege.); *American AGIP Co. v. Junell Corp.*, Civ. No. 97-4028 (D.N.J. slip op. Nov. 18, 1998) (holding that parties making the claim are "required to make express assertions of privilege, describe the privileged material in such a way as to enable the Court and their adversary to determine the validity of the asserted privilege and identify specific documents or information as to which they are asserting a privilege").

¹ In contrast, where the Grace log lists documents of unknown authorship and recipients, they are described in a manner that establishes the basis for the privilege by giving factual details demonstrating counsel involvement as well as specific details regarding the subject or type of document. (See e.g., Grace log p. 67, Handwritten notes dated 8/10/92, "Notes of conference call with counsel quoting legal advice of counsel D. Cleary, discussing potential legal action.")

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David Field, Esq.
April 23, 2001
Page 3

Although it is generally understood that parties do not need to individually list documents generated in the litigation in which the log is being prepared, this does not apply to documents from other litigation. For such documents, Honeywell must make a specific showing of the privilege, as Grace has done. (*Compare, for example*, Honeywell log at p. 112 with Grace log at p. 10, describing correspondence relating to UYA litigation as "9/16/83, memo, [from] Frankel, Esq. [to] Brookes et al., "Memo discussing trial date in Daylin Inc. v. Jersey City and proposed witnesses for trial").)

Please provide an amended log providing a separate entry for each document that is being withheld on a claim of privilege.

**3. Additional Background Information Must Be Provided
Regarding Documents Allegedly Marked "Privileged & Confidential"**

The third category of deficient entries is those for which Honeywell perfunctorily invokes work product or attorney-client privilege by stating that the document is "marked privileged and confidential." These entries fail to identify the author(s) of the documents or any description of the subject matter. (*See e.g.* Honeywell log p. 98, 5th entry, "8 [pages], undated, N/A, N/A, N/A, Attorney Work Product – Marked 'Privileged & Confidential,' 'Prepared at the Request of Counsel.'")

Simply marking a document as "privileged and confidential" does not establish that it is privileged. As noted, the party asserting the privilege bears the burden of providing sufficient factual foundation to show that the document qualifies for privileged status, including the date, type of document, author, addressees, copyees, subject matter and nature of each document. (*See, e.g., Torres v. Kuznysz*, 936 F. Supp. at 1201.) Moreover, if the work product protection is asserted, the party claiming the protection must show that the document was specifically prepared in anticipation of litigation and that, but for such litigation, the document would not have been prepared. (*See, e.g., Bamberger International v. Rohm and Haas Co.*, 1997 U.S. Dist LEXIS 22770 at *9 (D.N.J. 1997) (Cavanaugh, U.S.M.J.). Honeywell's log fails to include any such information. (*See e.g.*, Honeywell log p. 84, 3d entry ("4 [pages], 1982, N/A, N/A, N/A Attorney Work Product – Draft memorandum re: client expert's preliminary notes; Prepared in anticipation of litigation"); and Honeywell log p. 18, first entry (one-page document dated 11/17/83 from Potter to Reiter, cc's Van Epps, "Subject to Attorney Work Product Doctrine, Memorandum re: remedial investigation strategy").)

Please amend all such deficient entries to provide sufficient information – including the identity and/or nature of the actual or threatened litigation to which the document relates – so that Grace and the Court may determine the applicability (if any) of the asserted privilege.

**4. Honeywell's Log Fails To Provide Sufficient Information Regarding
The Subject Matter And Nature Of The Documents**

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David Field, Esq.
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Finally, the majority of the entries fail to provide the required information regarding the documents' subject matter and nature, and instead provide only a very brief and extremely vague description of the document in the "privilege" category. Skeletal descriptions such as "[l]etter rendering legal advice" and "[l]etter discussing remediation strategy"² do not provide sufficient information for Grace (or the Court) to determine the subject matter or nature of the document or to assess the claim of privilege. (*See, also* Honeywell log p. 25, 6th entry, "Letter rendering legal advice"; Honeywell log p. 18, 2d entry, "Memorandum re: remedial investigation strategy"; Honeywell log p. 23, "letter re legal strategy"; Honeywell log p. 26, 4th and 5th entries, "Memorandum discussing litigation strategy"; Honeywell log p. 27, 4th entry, "Letter re: legal strategy issues"; and Honeywell log p. 27, 5th entry, "Letter re ongoing litigation issues").)

Additionally, many documents on the log are described simply as involving "confidential settlement negotiations." Such entries fail to identify the party with whom the negotiations allegedly were conducted, or even the name of the litigation to which they were related. (*See e.g.* Honeywell log p. 17, 3d entry, one page document dated 6/6/84 from Fawcett to File, cc's W.M. Reiter et al., "Subject to Attorney Work Product Doctrine, Memorandum re: confidential settlement discussions with various parties"; and Honeywell log p. 21, 8th entry, 3/15/1991 from Forrow to file, "Confidential Summary Memorandum re discussions with NJDEP"). As set forth above, these descriptions do not provide adequate information for Grace or the Court to assess the validity of the claimed privilege. Grace has provided very detailed information regarding the subject matter and the privilege applicable to each document, and requests that Honeywell do the same (as is required both by the Federal Rules and by applicable case law). In this regard, please provide an amended log setting forth, for each entry, a description of the subject matter of the document as well as facts sufficient to support a claim of privilege.

I will call you on Wednesday, April 25th to discuss this matter further so that we can resolve these issues within the ten-day period provided by the Court. If you have any questions in the meantime, please feel free to call me.

Sincerely,



William F. Hughes

cc: Counsel of Record

² See Honeywell log p. 1, "6 [pages], 10/6/86, Arbesman, Stroup, Esq., "Marked 'Privileged & Confidential Attorney-Client Communication' Attorney Client Privileged.

File

A3629-65

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April 23, 2001

By Facsimile and First-Class Mail

Michael Caffrey, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

Re: Interfaith Community Organization, et al v. Honeywell International et al.

Dear Michael:

I have not received any response to my email to you (sent 4/19/01) regarding a proposed date for William Hague's deposition, which was noticed on December 12, 2000. In my email I suggested that the deposition be held the first week in May, however, if that week is inconvenient for you or Mr. Hague, I am also available the second week in May. It is imperative that you respond immediately with your availability so that I can plan accordingly.

Thank you in advance for your cooperation in this matter.

Sincerely,


Tamara R. Parker

cc: All counsel of record
John Agnello, Esq.

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April 23, 2001

By Facsimile and First-Class Mail

Michael Caffrey
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65 Livingston Avenue
Roseland, NJ 07068-1791

***Re: Interfaith Community Organization v. Honeywell International
Inc., et al.***

Dear Michael:

This is to confirm the following dates/times for the Honeywell 30(b)(6), James Wong and Emil Walerko depositions:

- Honeywell 30(b)(6) deposition on Category "A" – April 30, 2001 at 12:00 p.m. (at Carella Byrne, 6 Becker Farm Rd., Roseland, NJ);
- James Wong/Continuation of Honeywell 30(b)(6) – May 1, 2001 at 10:00 a.m. (at Carella Byrne); and
- Emil Walerko – May 15, 2001 at 10:00 a.m. (at Carella Byrne).

Very truly yours,



William F. Hughes

cc: All Counsel of Record

File
A3629-65

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April 26, 2001

By Facsimile and First-Class Mail

Michael Caffrey, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791


Re: Interfaith Community Organization, et al v. Honeywell International et al.

Dear Michael:

This letter is in follow-up to my phone call to you today in which you stated that you would get back to me on a date for the William Hague deposition once you heard back from your client. I agree that you need not send me letters to tell me that you are awaiting a response from your client, but as I had heard nothing in response to either of my requests to schedule the deposition next week, or the following week, I felt some contact was called for. I am trying to work out a date that is convenient for you and Mr. Hague, but I think common courtesy and professionalism required that you at least call and confirm that the dates I proposed are either tentatively acceptable, or advise me that they are unworkable so that I will not continue to hold them open on my calendar.

I realize there are many depositions being scheduled in this case, but the burden falls on both sides, and requires mutual cooperation. To this end, please respond by close of business on Monday, April 30, 2001 with two or three proposed dates for this deposition so I can plan accordingly.

Sincerely,



Tamara R. Parker

cc: All counsel of record
John Agnello, Esq.

2001-04-30 12:04pm From-

T-308 P 002/002 F-845

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April 30, 2001

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OF COUNSEL

JAMES D. CECCHI (1933-1996)

David W. Field, Esq.
Lowenstein, Sandler, Kohl, Fisher & Boylan
65 Livingston Avenue
Roseland, New Jersey 07068

Re: *Interfaith Community Organization, et al v. AlliedSignal Inc., et al.*
Civil Action No. 95-2097 (JAG)
Our File No. 734680-1

Dear David:

As you know, Judge Cavanaugh gave us ten (10) days to attempt to resolve the issue regarding your client's position with respect to the back fill/restoration requirement in the License Agreement. The ten (10) day period runs today.

Chris Marraro and I called you several times last week on this issue but have not heard back from you. Chris will be in my office this afternoon. Please confirm that you will be available at 3:00 p.m. today to speak with us so that we can then communicate with the Court.

Very truly yours,

~~CARELLA, BYRNE, BAIN, GILFILLAN,~~
~~CECCHI, STEWART & OLSTEIN~~

JOHN M. AGNELLO

JMA:li
cc: All Counsel on Annexed List
By facsimile

Replied
4/30

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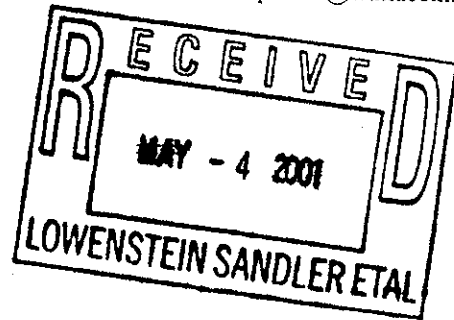
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May 1, 2001

By Facsimile and First-Class Mail

Michael Caffrey, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791



Re: Interfaith Community Organization, et al v. Honeywell International et al.

Dear Michael:

I am writing to request that Honeywell's centralized statistical databases that contain information related to worker injuries/illnesses and/or medical environmental events, maintained on Honeywell's intranet, be searched for any documents responsive to any of Grace's requests for production of documents, and that any responsive documents be produced. Both Mr. Reese and Mr. Wong testified regarding the existence of this database, and that they were unaware of any searches of this database for responsive documents. *See*, Wong April 19, 2001 Dep. pp. 37-38; Reese April 18, 2001 Dep. pp. 83, 92-97). At a minimum, these database appear to have information responsive to Grace's First Set of Requests for Production and should have been produced pursuant to the Court's July 7, 2000 Discovery Order compelling production of various categories of health related documents. These databases may also contain information responsive to Grace's Second Request for Production of Documents as those requests specifically request data from electronic databases. As production of these documents is long overdue, it is imperative that you give this matter your immediate attention.

Sincerely,

Tamara R. Parker

cc: All counsel of record
John Agnello, Esq.

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN

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May 4, 2001

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65 Livingston Avenue
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Re: *Interfaith Community Organization, et al v. AlliedSignal Inc., et al.*
Civil Action No. 95-2097 (DMC)
Our File No. 734680-1

Dear David:

I received a call from Judge Cavanaugh's law clerk, Kathy Critchley, returning my call from Monday. I advised Ms. Critchley that we were at an impasse on the issue of the meaning of the restoration provision in the License Agreement, as well as the issues relating to the privilege log.

Ms. Critchley indicated that we should proceed by way of motion on both issues.

Very truly yours,

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN

JOHN M. AGNELLO

JMA:li

by fax and ordinary mail

cc: Hon. Dennis M. Cavanaugh, U.S.D.J. (by ord. mail)
All Counsel on Annexed List (by fax and ord. mail)

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May 2, 2001

By Facsimile and First-Class Mail

Michael Caffrey, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791



Re: Interfaith Community Organization, et al v. Honeywell International et al.

Dear Michael:

I am writing to request that Honeywell produce all non-privileged documents responsive to any of Grace's requests for production that were prepared or produced in, or related to the following prior litigations:

Hackensack Riverkeeper v. Honeywell International Inc.
UYA et al., v. AlliedSignal, Inc., et al.
Route 440 Vehicle Corp. v. Nicholas et al.
Allied Signal, Inc., et al. v. Abielle-Paix Reassurances, et al
Trum v. AlliedSignal, Inc., et al
Kittsopolous, v. AlliedSignal, Inc., et al.
PPG Industries, et al., v. Lawrence Construction, et al.
New Jersey Turnpike Authority v. AlliedSignal Inc. et al.
Settle v. PPG Indus., et al
Bentey v. PPG Indus., et al.
various administrative proceedings with NJDEP
Exxon v. PPG Indus., et al.
Hyman v. AlliedSignal, Inc., et al
Hoffman v. Totaro et al.
Cilino v. AlliedSignal, Inc., et al
Newton v. AlliedSignal, Inc., et al.
MetroPark litigation

By listing these actions on its privilege log, Honeywell has indicated that there are privileged documents responsive to Grace's requests, however, it does not appear that any

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Michael Caffrey, Esq.
May 2, 2001
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non-privileged documents from these prior litigations have been produced with the exception of some deposition transcripts, and in few instances some pleadings.

Grace specifically requested documents related to any other litigation filed or threatened related to the "material" at issue. *See* Grace's First Request For Production of Documents # 30. Honeywell's response to this request indicated that non-privileged documents from other litigation or threatened actions would be produced. In that same set of requests, Grace also sought various categories of documents related to the health effects of chromium and certain properties and impacts of chromium on the environment and structures. *See* Grace's First Request for Production, Requests 7, 8, 9, 13, 16, 17, 18, 22, 24, 57, 58. These requests were not limited to the current site. Grace's Fourth Requests also called for documents related to chromium generally, again not limited to the site now at issue.

Production of responsive, non-privileged documents from the listed litigations and actions is well past due, therefore the litigation files should be search and the documents produced in an expeditious manner. Grace believes it is highly improbable that there are no non-privileged documents from these actions responsive to any of the Grace requests for production, but if Honeywell contends that there are none, Grace demands confirmation that the litigation files have been searched for responsive, non-privileged documents and that none were found.

Sincerely,


Tamara R. Parker

cc: All counsel of record
John Agnello, Esq.

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May 7, 2001

By Facsimile and First-Class Mail

David Field, Esq.
Michael Caffrey, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791



Re: Interfaith Community Organization, et al v. Honeywell International et al.

Dear David and Michael:

Enclosed are thirteen deposition notices for Honeywell expert witnesses. For the most part they have been noticed for each day following Honeywell's deadline to served defense expert reports under the Court's February 9, 2001 scheduling Order so as to be able to complete all depositions by the June 15, 2001 discovery cutoff. Grace is forced by the short time period left in the discovery period to notice all of these depositions based on what categories of experts it anticipates Honeywell might designate, but obviously we will cooperate with you on scheduling whatever experts Honeywell in facts names.

Sincerely,

Tamara R. Parker

cc: All counsel of record
John Agnello, Esq.

Enclosures

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INTERFAITH COMMUNITY
ORGANIZATION, et al.,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC.,
(formerly known as AlliedSignal, Inc.), et al.,

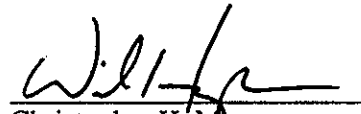
Defendants.

Civil Action No. 95-2097 (DMC)

NOTICE OF DEPOSITION OF B. TOD DELANEY

Please take notice that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants/Cross-Claimants W.R. Grace & Co., W.R. Grace Ltd., and ECARG, Inc. (collectively, "Grace") wish to take the deposition of B. Tod Delaney. Such deposition will commence on May 31, 2001, at 10:00 a.m. and continue day-to-day until completed at the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey.

Respectfully submitted,



Christopher H. Marraro
William F. Hughes
Angela M. Pelletier
Wallace King Marraro & Branson, PLLC
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Attorneys for W.R. Grace & Co.,
W.R. Grace, Ltd., and ECARG, Inc.

Dated: May 7, 2001

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2001, I caused a true and correct copy of the foregoing Notice of Deposition to be served by federal express on the following:

David Field
Lowenstein Sandler PC
65 Livingston Ave.
Roseland, NJ 07068

Carolyn Smith Pravlik
Terris, Pravlik & Millian, LLP
1121 12th Street, NW
Washington, DC 20005

William F. Mueller
Clemente, Mueller & Tobia, P.A.
218 Ridgedale Ave.
P.O. Box 1296
Morristown, New Jersey 07962-1296



William F. Hughes

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INTERFAITH COMMUNITY
ORGANIZATION, et al.,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC.,
(formerly known as AlliedSignal, Inc.), et al.,

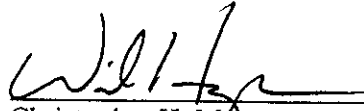
Defendants.

Civil Action No. 95-2097 (DMC)

NOTICE OF DEPOSITION

Please take notice that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants/Cross-Claimants W.R. Grace & Co., W.R. Grace Ltd. and ECARG, Inc. (collectively, "Grace") wish to take the deposition of all persons that Defendant Honeywell International Inc. ("Honeywell") designate on or about May 30, 2001 pursuant to paragraph 1 of the Court's February 9, 2001 Scheduling Order as rebuttal experts on any heaving, geotechnical or geochemical issues or any other matters described in the expert report of Ronald Lee Schmiermund that Grace served on Honeywell on March 31, 2001. Such deposition will commence on June 4, 2001, at 10:00 a.m. and continue day-to-day until completed at the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Will Marraro", written over a horizontal line.

Christopher H. Marraro

William F. Hughes

Angela M. Pelletier

Wallace King Marraro & Branson, PLLC

1050 Thomas Jefferson Street, N.W.

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Carella Byrne Baine Gilfillan Cecchi

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(973) 994-1700

Attorneys for W.R. Grace & Co.,
W.R. Grace, Ltd., and ECARG, Inc.

Dated: May 7, 2001

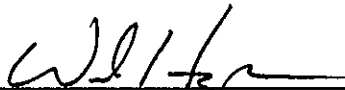
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William F. Hughes

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

INTERFAITH COMMUNITY
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(formerly known as AlliedSignal, Inc.), et al.,

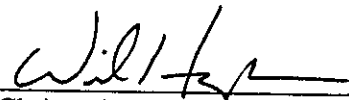
Defendants.

Civil Action No. 95-2097 (DMC)

NOTICE OF DEPOSITION

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Respectfully submitted,



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Attorneys for W.R. Grace & Co.,
W.R. Grace, Ltd., and ECARG, Inc.

Dated: May 7, 2001

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William F. Hughes

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INTERFAITH COMMUNITY
ORGANIZATION, et al.,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC.,
(formerly known as AlliedSignal, Inc.), et al.,


Defendants.

Civil Action No. 95-2097 (DMC)

NOTICE OF DEPOSITION

Please take notice that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants/Cross-Claimants W.R. Grace & Co., W.R. Grace Ltd. and ECARG, Inc. (collectively, "Grace") wish to take the deposition of all persons that Defendant Honeywell International Inc. ("Honeywell") designate on or about May 30, 2001 pursuant to paragraph 1 of the Court's February 9, 2001 Scheduling Order as rebuttal experts on any of the toxicological, risk assessment, health or environmental issues or any other matters described in the expert report of Elizabeth L. Anderson that Grace served on Honeywell on March 31, 2001. Such deposition will commence on June 5, 2001, at 10:00 a.m. and continue day-to-day until completed at the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey.

Respectfully submitted,



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Angela M. Pelletier
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Attorneys for W.R. Grace & Co.,
W.R. Grace, Ltd., and ECARG, Inc.

Dated: May 7, 2001

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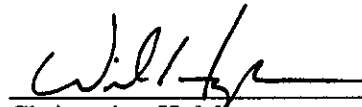
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INTERFAITH COMMUNITY)	
ORGANIZATION, et al.,)	
)	
Plaintiffs,)	Civil Action No. 95-2097 (DMC)
)	
v.)	
)	
HONEYWELL INTERNATIONAL INC.,)	
(formerly known as AlliedSignal, Inc.), et al.,)	
)	
Defendants.)	

NOTICE OF DEPOSITION OF F. BRIAN JOHNSON, MAI

Please take notice that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants/Cross-Claimants W.R. Grace & Co., W.R. Grace Ltd., and ECARG, Inc. (collectively, "Grace") wish to take the deposition of F. Brian Johnson, MAI. Such deposition will commence on June 6, 2001, at 10:00 a.m. and continue day-to-day until completed at the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey.

Respectfully submitted,



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Attorneys for W.R. Grace & Co.,
W.R. Grace, Ltd., and ECARG, Inc.

Dated: May 7, 2001

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William F. Hughes

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INTERFAITH COMMUNITY
ORGANIZATION, et al.,

Plaintiffs,

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HONEYWELL INTERNATIONAL INC.,
(formerly known as AlliedSignal, Inc.), et al.,

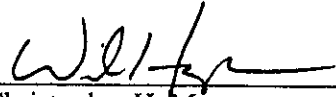
Defendants.

Civil Action No. 95-2097 (DMC)

NOTICE OF DEPOSITION

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Respectfully submitted,



Christopher H. Marraro
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Attorneys for W.R. Grace & Co.,
W.R. Grace, Ltd., and ECARG, Inc.

Dated: May 7, 2001

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William F. Hughes

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

INTERFAITH COMMUNITY
ORGANIZATION, et al.,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC.,
(formerly known as AlliedSignal, Inc.), et al.,

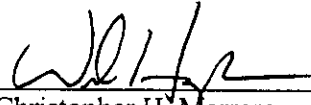
Defendants.

Civil Action No. 95-2097 (DMC)

NOTICE OF DEPOSITION OF HONEYWELL

Please take notice that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants/Cross-Claimants W.R. Grace & Co., W.R. Grace Ltd. and ECARG, Inc. (collectively, "Grace") wish to take the deposition of all persons that Defendant Honeywell International Inc. ("Honeywell") designate on or about May 30, 2001 pursuant to paragraph 1 of the Court's February 9, 2001 Scheduling Order as rebuttal experts on any of the development issues or other matters described in the expert report of Richard Kanter that Grace served on Honeywell on March 31, 2001. Such deposition will commence on June 7, 2001, at 10:00 a.m. and continue day-to-day until completed at the law firm of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey.

Respectfully submitted,



Christopher H. Marraro
William F. Hughes
Angela M. Pelletier
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Attorneys for W.R. Grace & Co.,
W.R. Grace, Ltd., and ECARG, Inc.

Dated: May 7, 2001

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William F. Hughes

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

INTERFAITH COMMUNITY
ORGANIZATION, et al.,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC.,
(formerly known as AlliedSignal, Inc.), et al.,

Defendants.

Civil Action No. 95-2097 (DMC)

NOTICE OF DEPOSITION

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Respectfully submitted,



Christopher H. Marraro

William F. Hughes

Angela M. Pelletier

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Roseland, N.J. 07068

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Attorneys for W.R. Grace & Co.,

W.R. Grace, Ltd., and ECARG, Inc.

Dated: May 7, 2001

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William F. Hughes

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INTERFAITH COMMUNITY
ORGANIZATION, et al.,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC.,
(formerly known as AlliedSignal, Inc.), et al.,

Defendants.

Civil Action No. 95-2097 (DMC)

NOTICE OF DEPOSITION

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Marraro', is written over a horizontal line.

Christopher H. Marraro

William F. Hughes

Angela M. Pelletier

Wallace King Marraro & Branson, PLLC

1050 Thomas Jefferson Street, N.W.

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(973) 994-1700

Attorneys for W.R. Grace & Co.,

W.R. Grace, Ltd., and ECARG, Inc.

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William F. Hughes

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INTERFAITH COMMUNITY
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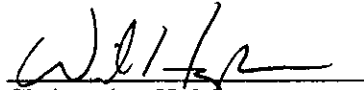
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Respectfully submitted,



Christopher H. Marraro

William F. Hughes

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Attorneys for W.R. Grace & Co.,

W.R. Grace, Ltd., and ECARG, Inc.

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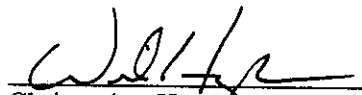
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William F. Hughes

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Respectfully submitted,



Christopher H. Marraro
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Attorneys for W.R. Grace & Co.,
W.R. Grace, Ltd., and ECARG, Inc.

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William F. Hughes

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INTERFAITH COMMUNITY
ORGANIZATION, et al.,

Plaintiffs,

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HONEYWELL INTERNATIONAL INC.,
(formerly known as AlliedSignal, Inc.), et al.,

Defendants.

Civil Action No. 95-2097 (DMC)

NOTICE OF DEPOSITION

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Respectfully submitted,



Christopher H. Marraro
William F. Hughes
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Attorneys for W.R. Grace & Co.,
W.R. Grace, Ltd., and ECARG, Inc.

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William F. Hughes

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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Defendants.

Civil Action No. 95-2097 (DMC)

NOTICE OF DEPOSITION

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Respectfully submitted,



Christopher H. Marraro

William F. Hughes

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Attorneys for W.R. Grace & Co.,

W.R. Grace, Ltd., and ECARG, Inc.

Dated: May 7, 2001

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1121 12th Street, NW
Washington, DC 20005

William F. Mueller
Clemente, Mueller & Tobia, P.A.
218 Ridgedale Ave.
P.O. Box 1296
Morristown, New Jersey 07962-1296


William F. Hughes

05/09/01 16:00 FAX 202 204 1002

WALLACE KING

002

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&
Marraro
Branson

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ANGELA PELLETER
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apelletier@wallaceking.com

May 9, 2001

By Facsimile

David Field, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

Re: Interfaith Community Organization, et al v. Honeywell International et al.

Dear Mr. Field:

This letter is to notify you that documents relied upon by Grace's expert witnesses will be made available for your inspection and copying at our offices. Please contact me or Tamara Parker to arrange a date for review.

Sincerely,

Angela Pelletier / jf
Angela Pelletier

cc: William Mueller
Joseph Rizzo
Steven German
John Agnello

file
Honeywell
AB629-66

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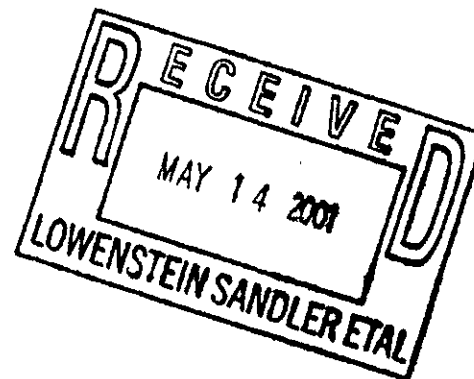
WALLACE KING MARRARO & BRANSON, PLLC
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TAMARA R. PARKER
Direct Dial 202.204.3743
tparker@wallaceking.com

May 11, 2001

By Facsimile and First-Class Mail

David Field, Esq.
Michael Caffrey, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791



Re: Interfaith Community Organization, et al v. Honeywell International et al.

Dear David and Michael:

This letter is to confirm that Grace will take the following depositions on the dates indicated:

May 21, 2001 at 10:00am	William Hague
May 22, 2001 at 10:00am	James Wong (personal and as 30(b)(6) deponent)

Both depositions will be at the offices of Carella Byrne, 6 Becher Farm Rd, Roseland, NJ 07068.

Thank you for your cooperation in scheduling these depositions.

Sincerely,

A handwritten signature in cursive script that reads 'Tamara Parker'.

Tamara R. Parker

cc: All counsel of record
John Agnello, Esq.

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TAMARA R. PARKER
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May 15, 2001

Via Federal Express

Michael Caffrey, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

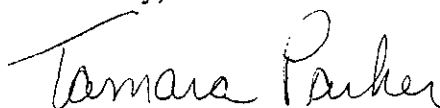
Re: Interfaith Community Organization, et al v. Honeywell International et al.

Dear Michael:

Enclosed are documents relied upon by Grace's expert, Hugh A. McGuire, Jr.,
MAI.

As I understand it you would like us to copy and send all materials relied upon in preparation of our expert reports, and that you will reimburse us for the costs. Mr. McGuire's materials were not extensive so I did not obtain an estimate prior to having these copied and sent to you. Some of the other experts have a much larger volume of documents, including oversized items that will be more costly to reproduce. If it is agreeable with you, I will obtain an approximate cost and email it to you prior to sending them to be copied, and await your confirmation that you would like to have the entire amount copied. Generally our copy service charges from 8-15 cents per page for standard sizes, depending on the amount of handling, and they can typically complete a job order in one day, so there should not be a significant delay once you confirm that you are agreeable to the costs.

Sincerely,



Tamara R. Parker

Enclosures

cc: All counsel of record w/o enclosure
John Agnello, Esq. W/o enclosure

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WILLIAM F. HUGHES
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bhughes@wallaceking.com

April 18, 2001

By Facsimile

Michael Caffrey
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

**Re: *Interfaith Community Organization v. Honeywell International
Inc., et al.***

Dear Michael:

As we discussed, please provide me with a date for the continuation of Honeywell 30(b)(6) deposition. I will prefer the week of April 30, 2001.

Very truly yours,



William F. Hughes

cc: All Counsel of Record

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TAMARA R. PARKER
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May 18, 2001

By Facsimile and First-Class Mail

Michael Caffrey, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791



Re: Interfaith Community Organization, et al v. Honeywell International et al.

Dear Michael:

I am writing regarding the tabulation of ACO costs incurred by Honeywell and submitted to NJDEP on July 17, 2000. This was not produced to Grace although it is called for in response to several of Grace's Request for Production, including Grace's First Request for Production of Documents Request 5 that specifically asks for documents related to "costs of conducting any past, present or future treatment, removal, excavation, cleanup or remediation ...", and Request 31 that calls for documents provided to NJDEP. Furthermore, as you are aware the June 1997 Licensing Agreement also requires Honeywell to provide ECARG on a continuing basis with all documents and written communications between Honeywell and its contractors, Honeywell and DEP or any other federal, state or local governmental agency, body, board, or department whatsoever relating to Honeywell's work at the Site. Honeywell's failure to provide the tabulation of ACO costs that was submitted to NJDEP to Grace therefore is a violation of the discovery obligations and yet another breach of the licensing agreement. In that this document should have been provided several months ago, I demand that it be produced immediately.

Sincerely,


Tamara R. Parker

cc: All counsel of record
John Agnello, Esq.

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CHRISTOPHER H. MARRARO
Direct Dial 202.204.3720
cmarraro@wallaceking.com

May 18, 2001

By Telecopy and U.S. Mail

David Field, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

Re: Interfaith Community Organization, et al. v. Honeywell International, Inc., et al.

Dear David:

This letter is in reply to your correspondence of May 4, 2001, regarding privilege log issues. We have reviewed Honeywell's response and provide additional explanation for Grace's position that Honeywell's log is lacking in some instances and in others the privilege claim appears inadequate. I ask that you reconsider Honeywell's stand on certain privilege claims and/or the adequacy of the log in view of these and Grace's prior stated reasons.

First, Grace requests that Honeywell separately log documents from prior litigations. Although Honeywell produced a few documents from some of these cases, we cannot confirm that all non-privileged materials have been produced without a listing of all materials withheld from those litigations. Grace cannot determine what documents are being withheld because the log merely states that "various documents among counsel...." are being withheld. It is apparent that we did not receive all non-privileged materials from these cases because our review of Honeywell's production has disclosed instances where letters or file cover sheets indicate a particular document was attached, but that attachment is missing. There very well may be other materials in the litigation files from these prior cases that are not privileged. Grace is entitled to know for **each** withheld document the date, author, recipient, and description of the document. Grace requests that Honeywell amends its log to separately list each withheld document from these cases.

Second, certain documents are alleged to be work product, but are undated without identified recipients and appear to contain merely factual information that cannot be shielded from discovery. For example, on page 63 of the log are two documents

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David Field, Esq.
May 18, 2001
Page 2

(1/17/83 document containing 94 pages and a 3/8/95 document containing 81 pages) that appear to contain only factual information regarding the "historic operations." These documents are not authored by attorneys and have no identified recipients. To the extent there is any basis to withhold the document, the factual information in the document is subject to discovery. If need be, the factual information may be produced with any work product or privileged information redacted. We ask that Honeywell produce these two documents.

Third, there are documents that do not appear to have any attorney involvement and that also appear to be related to work that would have been performed irrespective of litigation. These documents appear to relate to required work under the Consent Orders with DEP. For example, there is an entry dated 1/20/1984 with no author or recipients that is described as a draft report on remediation activities at the Daylin/Grace site, and entries dated 1/6/84 and 12/14/83 authored by R.L. Fawcett that also are described as related to remediation investigation and strategy. Similarly, a document dated 1/1993 of unknown authorship and unknown recipients, is described as a draft from consultant containing NJDEP requirements and litigation strategy. At a minimum, the technical information is subject to discovery. These documents should be produced and any portion that is strictly litigation related may be redacted. Likewise, the 11/2/93 chromium research report by D.J. Billmaier that was sent only to non-lawyers does not appear to be protected by work product as it is not described as having been prepared for counsel for any litigation purposes and appears to be the type of document that would have an independent business use. Another undated entry with unknown authorship is described as "Memorandum re: remediation cost estimates. Prepared in anticipation of litigation." (Honeywell log p. 95). Without a date or author, it is impossible to confirm that the remediation cost estimates were in fact prepared for litigation rather than in connection with Honeywell's obligations under the Consent Order. As we have pointed out in earlier letters, only documents prepared *solely for litigation* are protected. *Bamberger International v. Rohm and Haas Co.*, 1997 U.S. Dist LEXIS 22770 at *9 (D.N.J. 1997) (Cavanaugh, U.S.M.J.), *citing First Pac. Networks v. Atlantic Mut. Ins.*, 163 F.R.D. 574, 582 (N.D. Cal. 1995). We ask that you produce those documents contained on pages 98-106 of Honeywell's log that refer to "remedial design options," "remedial design options and cost estimates," "remedial options," or "remedial design changes."

Finally, Honeywell has claimed privilege on documents where the author and recipient are unknown, some are undated as well, and the description does not provide any information to establish that they are indeed privileged. Your letter indicates that this information is not available; however, the documents themselves and the circumstances surrounding their identification are available. The descriptions of these documents do not give any detail that would indicate that they are protected by work product or privilege such as whether the documents were found in counsel's files or that the document reflects some legal advice. For example, pages 30 and 33 of Honeywell's log refer to undated

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David Field, Esq.
May 18, 2001
Page 3

log provides no support that counsel authored these notes, or that they were maintained in a confidential manner. Honeywell's counsel had to have considered some information that led to the conclusion that these documents were privileged. The basis of that determination should be included in the description to support the privilege claim. We ask that Honeywell either produce these documents or amend its log to provide sufficient information for Grace to ascertain the basis of the privilege.

These examples are not meant to be exhaustive. It is Grace's view that all documents that suffer these deficiencies should be produced in full, or where justified, in redacted form. As to those documents that truly are exempt from discovery, Honeywell should modify its privilege log to provide all information required by Fed.R.Civ.P. 26(b)(5).

Please advise as to whether or not you will cure these deficiencies.

Sincerely,



Christopher H. Marraro

CHM/kdc

cc: All counsel of record

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May 21, 2001

By Federal Express

David Field, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

**Re: *Interfaith Community Organization, et al. v.
Honeywell International Inc., et al.***

Dear David:

Enclosed please find amended notices of deposition for the experts in this case. They have been modified only to include a document demand inadvertently omitted from the previously served notices.

Because scheduling discussions are still ongoing, these notices are set for the dates and times previously noticed. We will, however, proceed on alternate dates as agreed to by the parties.

If you have any questions please call me.

Sincerely,



Angela Pelletier

cc: Michael Caffrey

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CHRISTOPHER H. MARRARO
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cmarraro@wallaceking.com

May 25, 2001

By Facsimile and U.S. Mail

David Field, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

Re: *Interfaith Community Organization, et al v. AlliedSignal, Inc., et al.*

Dear David:

The Grace Defendants hereby supplement their answers to the Responses of W.R. Grace to Allied Signal's First Set of Interrogatories. The Grace Defendants have completed their review of the document productions from Allied Signal and find that there maybe additional persons with knowledge. We do not know the extent of their knowledge from the documents nor do we know whether these individuals are alive. Grace amends its Response to Interrogatory 1 as follows:

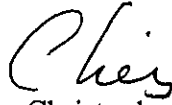
- In documents produced by Allied Signal in the *Route 440 Vehicle Corporation v. Nicholas*, the following General Cinema persons who may have knowledge were identified: Melvin Wintman, Robert F. Smerling, James Burke, Morris Englander, Richard Smith, William Zellen, Mayer Rabinovitz, and Raymond Keyes.
- In other *Route 440* litigation documents produced by Allied Signal, General Cinema Corporation also identified the following persons: I.C. Lifland, Richard Smith, Robert Huff, Howard Spiess, James Ellis, James Burke, Louis DaVia, Raymond Keyes, and Morris Englander.
- In documents produced by Allied Signal relating to *PPG Industries, Inc. v. Lawrence Construction*, the following persons were identified: Ingvald Moe (engineer for Goodrich/Daylin), Daryl Brown (Goodrich), and Morris Rayburn (Daylin, Inc.).

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&
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David Field, Esq.
May 25, 2001
Page 2

Please call if you have any questions.

Sincerely,



Christopher H. Marraro

CHM/kdc

cc: All Counsel of Record

File
Honeywell
A3629 45

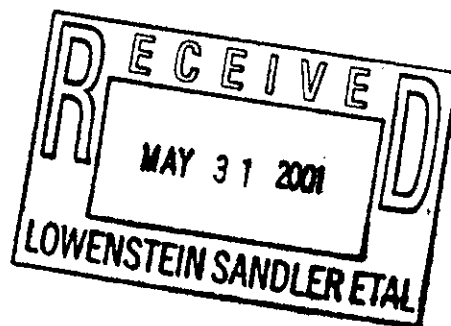
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WILLIAM F. HUGHES
Direct Dial 202.204.3727
bhughes@wallaceking.com

May 29, 2001



By Facsimile and First-Class Mail

Michael Caffrey
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

**Re: *Interfaith Community Organization v. Honeywell International
Inc., et al.***

Dear Mike:

As we discussed, W.R. Grace will be taking the depositions of Tod Dulany and Brian Johnson later in June or in July along with Honeywell's other experts, rather than on May 31st and June 6th as originally noticed.

Very truly yours,

William F. Hughes

cc: All Counsel of Record

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CHRISTOPHER H. MARRARO
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cmarraro@wallaceking.com

May 25, 2001

By Facsimile and U.S. Mail

David Field, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

Re: *Interfaith Community Organization, et al v. AlliedSignal, Inc., et al.*

Dear David:

We have had to reschedule three depositions because of newly discovered scheduling conflicts by our expert witnesses. The revised expert deposition dates are as follows:

Dr. Elizabeth Anderson – Tuesday, June 19, 2001

Dr. Peter Chapman – Tuesday, June 26, 2001

Dr. Max Costa – Wednesday, June 27, 2001

For your reference, I enclose a copy of our expert witness deposition schedule. Please note that I have also enclosed the proposed dates for the Plaintiffs' experts. Please check with them to make sure that their expert witnesses are available on those dates.

Sincerely,



Christopher H. Marraro

CHM/kdc
Enclosure

cc: All Counsel of Record

ICO v. Honeywell Depositions Schedule

<u>Witness</u>	<u>Deposition Date</u>
Hughe McGuire	Wednesday, 6/6
Benjamin Ross	Thursday, 6/7
Donald Belsito	Monday, 6/11
Bruce Bell	Wednesday, 6/12
Richard Kanter	Wednesday, 6/13
Kirk Brown	Wednesday, 6/13
Cheryl Montgomery	Thursday, 6/14
Julio Valera	Friday, 6/15
Elizabeth Anderson	Tuesday, 6/19
Phil Coop	Thursday, 6/21
Ronald Schmiermund	Friday, 6/22
Peter Chapman	Tuesday, 6/26
Max Costa	Wednesday, 6/27
Andy Davis	Thursday, 6/28

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TAMARA R. PARKER
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tparker@wallaceking.com

June 4, 2001

By Facsimile and First-Class Mail

Michael Caffrey, Esq.
Frank Boenning, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

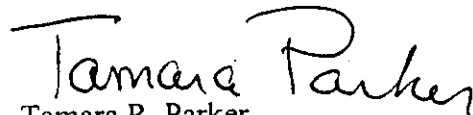
Re: Interfaith Community Organization, et al v. Honeywell International et al.

Dear Frank and Michael:

This letter is in follow-up to my letter of May 24, 2001 requesting that the supporting documents for Honeywell's experts be produced simultaneously with the reports. As you are aware the timeframe for all expert depositions is extremely short making it imperative that we receive the supporting documents immediately. Please let me know when Honeywell will produce all of the supporting materials for experts, including any and all electronic files and computer models such as the computer model referenced in Gary Walter's report.

Thank you in advance for your cooperation in this matter.

Sincerely,


Tamara R. Parker

cc: All counsel of record
John Agnello, Esq.

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May 30, 2001

By Facsimile And First-Class Mail

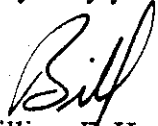
David Field, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791

***Re: Interfaith Community Organization v. Honeywell International
Inc., et al.***

Dear David:

Enclosed are the rebuttal reports of Hugh McGuire and Gayle Koch. Related documents will be produced at a later date.

Very truly yours,


William F. Hughes

cc: All Counsel of Record

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN

CHARLES C. CARELLA
BRENDAN T. BYRNE
JOHN N. BAIN
JOHN G. GILFILLAN, III
PETER G. STEWART
ELLIOT M. OLSTEIN
ARTHUR T. VANDERBILT, II
JAN ALAN BRODY
JOHN M. AGNELLO
JAMES T. BYERS
DONALD F. MICELI
A. RICHARD ROSS
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JEFFREY A. COOPER
CARL R. WOODWARD, III
WALTER G. LUGER
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DAVID G. WHITE
NABIL N. KASSEM

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JOANNE C. GERBER
MARK D. MILLER
JUSTINE A. NICCOLLA
ROBERT P. DONOVAN
ALAN J. GRANT⁹
NICOLA R.J. HADZIOSMANOVIC
JOSEPH N. MINISH
G. GLENNON TROUBLEFIELD
MICHAEL P. PASQUALE
LAURA S. MUNZER
⁹MEMBER N.Y. BAR ONLY

HERBERT M. RINALDI
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DONALD S. BROOKS
RAYMOND R. SIBERINE
MICHAEL A. GALLO, JR.
FRANCIS C. HAND
JAMES K. MEGUERIAN
OF COUNSEL

June 5, 2001

JAMES D. CECCHI (1933-1995)

Honorable Dennis M. Cavanaugh, U.S.D.J.
Dr. Martin Luther King, Jr. Federal Building
50 Walnut Street
P.O. Box 999
Newark, New Jersey 07101-0999

Re: *Interfatih Community Organization, et al. v.*
Honeywell International Inc., et al.
Civil Action No. 95-9027

Dear Judge Cavanaugh:

This will confirm my telephone conversation this morning with your law clerk, Kathy Critchley, wherein Ms. Critchley advised that Your Honor has directed the parties to proceed as follows:

- The depositions of Mr. McGuire and Ms. Anderson, two of plaintiffs' experts, should proceed as scheduled.
- Honeywell should withdraw its motion *in limine* pertaining to the expert reports of Mr. McGuire and Ms. Anderson.

- Honeywell may re-file its motion *in limine* after the conclusion of all discovery.

Thank you for your attention to and consideration of this matter.

Respectfully yours,

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN



JOHN M. AGNELLO

JMA:li

By FedEx

cc: All Counsel of Record (by facsimile and ordinary mail)

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN

CHARLES C. CARELLA

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G. GLENNON TROUBLEFIELD

MICHAEL P. PASQUALE

LAURA S. MUNZER

*MEMBER N.Y. BAR ONLY

June 8, 2001

TO: ALL COUNSEL ON ANNEXED LIST

Re: *Interfaith Community Organization, et al. v. Honeywell, et al.*
Civil Action No. 95-2097
Our File No. 734680-1

Dear Counsel:

I received a telephone call from Judge Cavanaugh's chambers rescheduling the Status Conference for next week from Wednesday, June 13 at 10:00 a.m. to Friday, June 15 at 11:30 a.m.

Very truly yours,

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN

JOHN M. AGNELLO

JMA:li

Via facsimile and ordinary mail

COUNSEL LIST
INTERFAITH COMMUNITY ORGANIZATION, et al.
vs.
ALLIEDSIGNAL, INC., ET AL.
Civil Action No. 95-2097 (JAG)

FIRM	ATTORNEY(S) FOR	TELEPHONE	FACSIMILE
David W. Field, Esq. Lowenstein Sandler, PC 65 Livingston Avenue Roseland, NJ 07068	Defendant, Honeywell International, Inc.	(973) 597-2522	(973) 597-2400
Carolyn Smith Pravlick, Esq. Steven J. German, Esq. Damian A. Schane, Esq. Kathleen L. Millian, Esq. Terris, Pravlick & Millan, LLP 1121 Twelfth Street, NW Washington, DC 20005	Plaintiff, Interfaith	(202) 682-2100	(202) 289-6795
Edward Lloyd, Esq. 15 Washington Street Room 334 Newark, NJ 07102	Plaintiff, Interfaith	(973) 353-5695	(973) 353-5537 (973) 353-1249
William F. Mueller, Esq. Clemente, Mueller & Tobia, PA 218 Ridgedale Avenue P.O. Box 1296 Morristown, NJ 07962-1296	Defendant, Roned Realty (Jersey City) (Union City)	(973) 455-8008	(973) 455-8118
Christopher H. Marraro, Esq. William Hughes, Esq. Angela Pelletier, Esq. Wallace King Marraro & Branson, PLLC 1050 Thomas Jefferson St., NW Washington, DC 20007	Defendants, W. R. Grace & Co., ECARG, Inc. W. R. Grace, Ltd.	(202) 204-1000	(202) 204-1001

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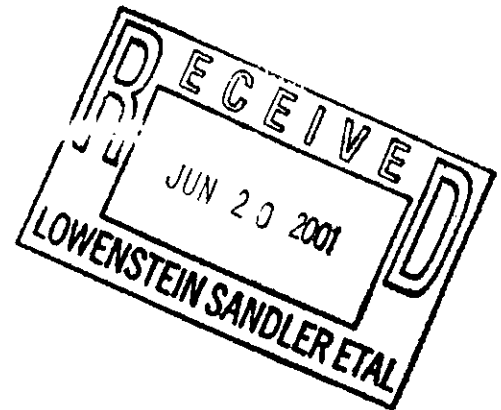
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June 18, 2001

By Facsimile and First-Class Mail

Michael Caffrey
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791



**Re: Interfaith Community Organization v. Honeywell International
Inc., et al.**

Dear Mike:

Ronald Schmiermund will not be available for a deposition this Friday, June 22nd as originally scheduled. I will provide you with alternative dates for Dr. Schmiermund as soon as I receive them.

With regard to Gayle Koch, she is available for a deposition on Tuesday, June 26th. Please let me know at your earliest convenience whether this date is acceptable.

Very truly yours,


William F. Hughes

cc: All Counsel of Record

File
Honeywell
A30-9-05

Wallace
King
Marraro
Branson

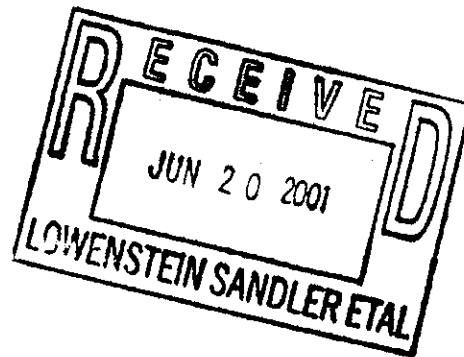
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June 18, 2001

By Facsimile and First-Class Mail

Michael Caffrey, Esq.
Frank Boenning, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791



Re: Interfaith Community Organization, et al v. Honeywell International et al.

Dear Frank and Michael:

This is my third request that Honeywell produce supporting documentation for its expert reports. I have received no response whatsoever to my May 24, 2001 and June 4, 2001 letters asking that the supporting documents be produced simultaneously with the expert reports. It is wholly unacceptable for you to simply ignore these requests and to disregard your obligations in this regard. I must have a commitment from you by close of business tomorrow with acceptable arrangements for production. Please call so that we can discuss this matter.

Sincerely,

Tamara R. Parker

cc: All counsel of record
John Agnello, Esq.

Wallace
King
&
Marraro
Branson

WALLACE KING MARRARO & BRANSON, PLLC
1050 THOMAS JEFFERSON STREET, N.W.
WASHINGTON, DC 20007

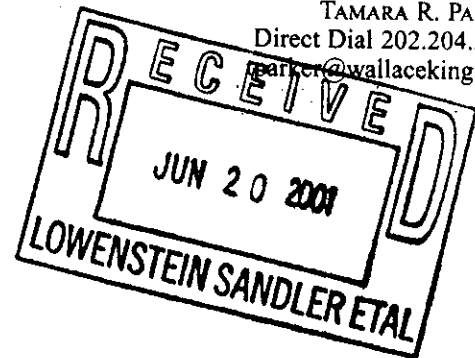
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June 18, 2001

By Facsimile and First-Class Mail

David Field, Esq.
Michael Caffrey, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068-1791



Re: Interfaith Community Organization, et al v. Honeywell International et al.

Dear David and Michael:

Attached are additional supporting documents from Dr. Anderson. Some of these documents may already have been produced, but out of an abundance of caution, I am producing them to you.

Sincerely,

Handwritten signature of Tamara R. Parker in cursive script.

Tamara R. Parker

cc: All counsel of record w/o attachments
John Agnello, Esq. w/o attachments

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FAX TRANSMITTAL

DATE: March 21, 2001

TO: Dr. Betty Anderson

COMPANY:

FAX NUMBER: 703-684-2223

PHONE NUMBER: 703-684-0123

CLIENT/MATTER NO. 54006

FROM: Angela Pelletier
Direct Telephone: (202) 204.3744

NUMBER OF PAGES: including this cover - 2

Attached are some sampling results that Dr. Goad asked me to fax to you.

This facsimile is intended only for the use of the persons to whom it is addressed, and may contain information that is privileged, confidential or protected under applicable law. If you are not the intended recipient, and are not authorized by the intended recipient to receive and deliver this facsimile, you are hereby notified that you are prohibited from copying, disseminating or relying on this facsimile.
IF YOU RECEIVED THIS FACSIMILE IN ERROR, PLEASE CALL US COLLECT IMMEDIATELY.

PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT**Preliminary Chemistry Data for Water Samples Collected From Roosevelt Drive-In Site
(North and South Swales) - March 5 - 9, 2001**

SAMPLE ID	BIOASSAY TEST CONCENTRATION % (V/V)	PH ¹	CHROMIUM (MG/L) ²		HEXAVALENT CHROMIUM (MG/L) ²	
			TOTAL	DISSOLVED	TOTAL	DISSOLVED
NJ-W-1 (North Swale) Mar 7, 2001	100	12.1	2.40	2.27	2.5	2.5
	50	11.5	-	-	-	-
	10	9.8	-	-	-	-
NJ-W-1 (North Swale) Mar 9, 2001	100	12.0	2.12	2.13	3.0	2.2
	50	11.5	-	-	-	-
	10	9.8	-	-	-	-
NJ-W-2 (South Swale) Mar 9, 2001	100	10.9	0.401	0.429	0.44	0.44
	50	9.1	-	-	-	-
	10	8.0	-	-	-	-

1. pH measurements performed by EVS in each test concentration at start of acute fish bioassays.
2. Samples for chromium and hexavalent chromium analysis collected at same time as bioassay samples; analysis performed by Accutest Lab.

**Background and Technical Support for the
Expert Report of Elizabeth L. Anderson in ICO v. Honeywell**

Table 1

**Exposure Point Concentrations for Hexavalent Chromium in Soil at Site 115 used in the
Risk Assessment for the Incidental Soil Ingestion and Dermal Contact Pathways**

Receptor	Depth Range for Samples	95% UCL on the Mean (mg/kg)	Maximum (mg/kg)	Reference
Construction Worker	0 to 4 feet	7,858	17,900	Tetra Tech 2000, Table 6-2
Utility Worker	0 to 4 feet	7,858	17,900	Tetra Tech 2000, Table 6-2
Commercial Establishment Worker	0 to 2 feet	7,819	17,900	Tetra Tech 2000, Table 6-2
Trespasser	0 to 2 feet	7,819	17,900	Tetra Tech 2000, Table 6-2
Child Resident	0 to 2 feet	7,819	17,900	Tetra Tech 2000, Table 6-2
Adult Resident	0 to 2 feet	7,819	17,900	Tetra Tech 2000, Table 6-2

**Exposure Point Concentrations for Hexavalent Chromium in Shallow Groundwater used in the
Risk Assessment for the Dermal Contact Pathway for Construction and Utility Workers**

Analyte	Average of Hits Only (ug/L)	Average for All Data (ug/L)	Maximum (ug/L)	Reference
Hexavalent Chromium, Dissolved	14,700	13,600	23,500	Tetra Tech 2000, Table 4-13
Hexavalent Chromium, Unfiltered	15,200	14,000	24,400	Tetra Tech 2000, Table 4-13

References

Tetra Tech NUS Inc. 2000. Draft: Remedial Investigation Report, Study Area 7,
NJEDP Sites 115, 120, and 157, Jersey City, NJ. Volume 1 – Text.
Ogden Environmental and Energy Services, Rifkin and Associates. July 2000.

**Background and Technical Support for the
Expert Report of Elizabeth L. Anderson in ICO v. Honeywell**

Table 2

**Exposure Point Concentrations for Hexavalent Chromium in Surface Water at Site 115
used in the Risk Assessment for the Ingestion and Dermal Contact Pathways**

Analyte	Frequency of Detection	Concentrations in ppb			Reference
		Minimum	95% UCL on Mean (a)	Maximum	
Hexavalent Chromium	89 of 94 (b)	11	3,700	19,900	CEA 2000, Table 1
Total Chromium	86 of 94 (c)	4	3,900	18,400	CEA 2000, Table 1

A Based on detected concentration data only.

B 4 samples treated as non detects and 1 sample with no data reported

C 3 samples treated as non detects and 5 samples with no data reported

References

Carpenter Environmental Associates Inc. 2000. Technical Review Comments on
Draft Remedial Investigation Report, Study Area 6. Ramsey, NJ. 5/12/00.

Table 3

**Exposure Point Concentrations for Hexavalent Chromium in Air
at Site 115 used in the Risk Assessment for the Inhalation Pathways**

Construction Scenario

NJ Department of Health (1966) collected airborne dust samples near dump truck loading operations associated with construction activities at Site 115. The reported concentrations were 0.03 and 0.04 mg Cr per m³. Assuming the samples were for total chromium (Cr) and total suspended particulate (TSP) the samples were adjusted for use in the inhalation pathway of the risk assessment as follows.

To adjust the total Cr value to a hexavalent chromium (Cr VI) value the ratio of trivalent chromium (Cr III) to Cr VI found in the site 115 soil samples was used to estimate the average Cr VI in the sample.

Trivalent Chromium	46,700	0.72	23,274	0.75
Hexavalent Chromium	17,900	0.28	7,858	0.25
Total	64,600	N/A	31,132	N/A

A Source of Data was Table 6-2 of Tetra Tech 2000.

From this analysis it was assumed that the samples contained 25% Cr VI. This the same ratio of Cr VI to total Cr as the overall average found for outdoor air samples collected from unpaved and partially paved commercial and industrial facilities containing chromium residue (Falerios et al, 1992).

Assuming that PM₁₀ is the upper size diameter relevant to the inhalation exposure, a factor of 0.6 was used to scale the assumed TSP samples to PM₁₀, which was the overall average ratio of respirable Cr VI to total particulate Cr VI for co-located samplers at sites in Hudson County, NJ (Falerios et al, 1992). The resulting Cr VI respirable air concentrations are then given by:

$$0.03 \text{ mg/m}^3 \times 0.25 \times 0.6 = 0.0045 \text{ mg/m}^3$$

$$0.04 \text{ mg/m}^3 \times 0.25 \times 0.6 = 0.006 \text{ mg/m}^3$$

A second method was employed to estimate the potential air concentrations for fugitive dust emissions from construction activities at Site 115. This method used the overall mean TSP concentration found at sites in Hudson County (i.e., 200 ug/m³, Falerios et al. 1992), and scaled it to 120 ug/m³ PM₁₀ using the 0.6 factor described above. Using the site 95% UCL for Cr VI in soil from 0 to 4 feet (i.e., 7,858 mg Cr VI/kg soil, Tetra Tech 2000) yields a value of 0.9 ug Cr VI per m³ for the respirable fraction.

The air concentration for the construction and utility workers was the average of these three values or 3.8 ug Cr VI per m³. For residents, the worker concentration was multiplied by a dilution factor that was obtained through air modeling at Site 115 (see the file *SII Site 115 Air Modeling.OUT* for details).

Vehicle Traffic Emissions

For the commercial establishment worker, the vehicle traffic modeling for Site 115 in the RI was used (Tetra Tech 2000) which predicted an mean annual average PM₁₀ air concentration of 3.5 ug/m³. This value was then scaled by the 95% UCL mean Cr VI soil concentration in the surface layer of 7,819 mg Cr VI per kg soil to obtain a respirable Cr VI air concentration of 0.0274 ug/m³.

References

M. Falerios, K. Schild, P. Sheehan and D. Paustenbach. 1992. Airborne Concentrations of Trivalent and Hexavalent Chromium from Contaminated Soils at Unpaved and Partially Paved Commercial/Industrial Sites. *J Air Waste Mgmt Assoc.* 42(1):40-48.

Tetra Tech NUS Inc. 2000. Draft: Remedial Investigation Report, Study Area 7, NJEDP Sites 115, 120, and 157, Jersey City, NJ. Volume 1 – Text.
Ogden Environmental and Energy Services, Rifkin and Associates. July 2000.

**Background and Technical Support for the
Expert Report of Elizabeth L. Anderson in ICO v. Honeywell**

Table 4

**Human Health Toxicity Criteria Used in the Risk Assessment for Hexavalent Chromium
(Source of Data is USEPA IRIS Online Database)**

Receptor	Inhalation Cancer Slope Factor (mg/kg-day)⁻¹	Oral Reference Dose (RfD) (mg/kg-day)	Reference Air Concentration (RfC) (mg/m³)
Construction and Utility Worker	42	8E-3 (a)	1E-3 (b)
Commercial Establishment Worker	42	3E-03	3E-4 (c)
Adult Resident	42	3E-03	4E-3 (d)
Child Resident	42	3E-03	7E-5 (e)

A Modified to account for subchronic exposure (i.e., less than 7 years)

Removed factor of 3 in uncertainty factor applied to account for subchronic study

B Modified to account for subchronic exposure at 5 days per week .

$$1\text{E-}4 \text{ mg/m}^3 * [(7 \text{ days/week})/(5 \text{ days/week})] * 10 = 1\text{E-}3 \text{ mg/m}^3$$

C Modified to account for exposure at 5 days per week with daily inhalation rate of 10.4 m³

$$1\text{E-}4 \text{ mg/m}^3 * [(20 \text{ m}^3/\text{day})/(10.4 \text{ m}^3/\text{day})] * [(7 \text{ days/week})/(5 \text{ days/week})] = 3\text{E-}4 \text{ mg/m}^3$$

D Modified to account for exposure at 5 days per week with daily inhalation rate of 8 m³

$$1\text{E-}4 \text{ mg/m}^3 * [(20 \text{ m}^3/\text{day})/(8 \text{ m}^3/\text{day})] * [(7 \text{ days/week})/(5 \text{ days/week})] * 10 = 4\text{E-}3 \text{ mg/m}^3$$

E Modified to account for difference between adult and child inhalation rate to body weight, and exposure at 5 days per week with a daily inhalation rate of 8 m³

$$1\text{E-}4 \text{ mg/m}^3 * [(20 \text{ m}^3/\text{day})/(70 \text{ kg})] * [(15 \text{ kg})/(10 \text{ m}^3/\text{day})] = 4\text{E-}5 \text{ mg/m}^3$$

$$4\text{E-}5 \text{ mg/m}^3 * [(10 \text{ m}^3/\text{day})/(8 \text{ m}^3/\text{day})] * [(7 \text{ days/week})/(5 \text{ days/week})] = 7\text{E-}5 \text{ mg/m}^3$$

Background and Technical Support for the
Expert Report of Elizabeth L. Anderson in ICO v. Honeywell

Table 5

**Comparison of Hexavalent Chromium Exposure Point Concentrations
to Thresholds Associated with Allergic Contact Dermatitis (ACD)**

Following NJDEP (1998) Guidance for calculating the alternative remediation standard (ARS) for ACD:

$$\text{ARS for ACD} = \text{MET} * \text{Kd}$$

where:

MET = minimum elicitation threshold

= 25 mg/L (NJDEP 1998)

= 1 mg/L (Belsito 2001)

Kd = soil/water partition coefficient L/kg

= $136.9 * (\text{LSR})^{0.2831}$ (Tetra Tech 2000, Appendix F))

= $136.9 * (2)^{0.2831}$ (NJDEP 1998)

= 167 L/kg

$$\text{ARS for ACD (mg/kg)} = 1 \text{ mg/L} * 167 \text{ L/kg} = 167 \text{ mg Cr}^{+6}/\text{kg soil}$$

$$25 \text{ mg/L} * 167 \text{ L/kg} = 4,175 \text{ mg Cr}^{+6}/\text{kg soil.}$$

Hexavalent Chromium Exposure Point Concentrations for Soil Dermal Contact

Receptor	95% UCL on the Mean (mg/kg)	Maximum (mg/kg)	Lower Limit ARS (mg/kg)	Upper Limit ARS (mg/kg)
Construction Worker	7,858	17,900	167	4,175
Utility Worker	7,858	17,900	167	4,175
Commercial Establishment worker	7,819	17,900	167	4,175
Trespasser	7,819	17,900	167	4,175
Residents	7,819	17,900	167	4,175

**Hexavalent Chromium Exposure Point Concentrations
for Surface Water Dermal Contact**

Receptor	95% UCL on the Mean (mg/L)	Maximum (mg/L)	Lower Limit MET (mg/L)	Upper Limit MET (mg/L)
Construction Worker	3.7	19.9	1	25
Utility Worker	3.7	19.9	1	25
Commercial Establishment worker	3.7	19.9	1	25
Trespasser	3.7	19.9	1	25
Residents	3.7	19.9	1	25

**Hexavalent Chromium Exposure Point Concentrations
for Shallow Groundwater Dermal Contact**

Receptor	95% UCL on the Mean (mg/L)	Maximum (mg/L)	Lower Limit MET (mg/L)	Upper Limit MET (mg/L)
Construction Worker	13.6	23.5	1	25
Utility Worker	13.6	23.5	1	25

References

D. Belsito. 2001. Expert Report in the Matter of Interfaith Community Organization et al. v. Honeywell International, Inc. et al. March 22, 2001.

NJDEP. 1998. Summary of the Basis and Background of the Soil Cleanup Criteria for Trivalent and Hexavalent Chromium. Trenton, NJ. New Jersey. Department of Environmental Protection. Sep 18, 1998

Tetra Tech NUS Inc. 2000. Draft: Remedial Investigation Report, Study Area 7, NJDEP Sites 115, 120, and 157, Jersey City, NJ. Volume II – Appendices. Ogden Environmental and Energy Services, Rifkin and Associates. July 2000.

**Background and Technical Support for the
Expert Report of Elizabeth L. Anderson in ICO v. Honeywell**

Table 6

Soil Ingestion Pathway Deterministic Risk Assessment for a Child Resident

Exposure Factors	Value	Units	Reference
Ingestion Rate (IR)	200	mg/day	USEPA 2001
Conversion factor (CF)	0.000001	Kg/mg	USEPA 2001
Bioabsorption factor (BI)	0.1	unitless	Paustenbach et al 1991
	1	unitless	USEPA 2001
Exposure Frequency (EF)	263	days/year	350 days/year * (9/12)
Exposure Duration (ED)	6	years	USEPA 2001
Body Weight (BW)	15	Kg	USEPA 2001
Averaging Time - Noncarcinogenic (AT)	2190	days	USEPA 2001

Chemical-Specific Factors and Risks

Chemical	Chemical Concentration in Soil Column (CSS) mg/Kg	Average Daily Dose (ADD) (a) mg/kg-day	Non-Carcinogenic Reference Dose (RFD) mg/kg-day	Non-Cancer Hazard Quotient (b)
Hexavalent Chromium	7.82E+03	7.51E-03 to 7.51E-02	3.00E-03	3 to 25

A $ADD = CSS \times IR \times CF \times BI \times EF \times ED / (BW \times AT)$

B Non Cancer Hazard Quotient = ADD / RFD

References

D. Paustenbach, D. Meyer, P. Sheehan and V. Lau. 1991. An Assessment and Quantitative Uncertainty Analysis of the Health Risks to Workers Exposed to Chromium Contaminated Soils. *Toxicol Ind Health*. 7(3):159-96.

US EPA. 2001. Supplemental guidance for Developing Soil Screening Levels for Superfund Sites -- Peer Review Draft. Washington, DC. US EPA. March 2001.

**Background and Technical Support for the
Expert Report of Elizabeth L. Anderson in ICO v. Honeywell**

Table 7

Carcinogenic Inhalation Pathway Deterministic Risk Assessment for a Construction Worker

<u>Exposure Factors</u>	<u>Value</u>	<u>Units</u>	<u>Reference</u>
Inhalation Rate (IR)	20	m ³ /d	USEPA 2001
Exposure Frequency (EF)	250	days/year	USEPA 2001
Exposure Duration (ED)	1	years	USEPA 2001
Body Weight - Adult (BW)	70	Kg	USEPA 2001
Averaging Time - Carcinogenic (AT - carc)	25550	days	USEPA 2001

Chemical-Specific Factors and Risks

<u>Chemical</u>	<u>Chemical Concentration in Air (CA)</u> mg/m ³	<u>Lifetime Average Daily Dose (LADD)</u> (a) mg/kg-day	<u>Carcinogenic Inhalation Slope Factor (InhSF)</u> (mg/kg-day) ⁻¹	<u>Cancer Risk (b)</u>
Hexavalent Chromium	3.80E-03	1.06E-05	4.20E+01	4E-04

A LADD = CA x IR x EF x ED / (BW x AT)

B Cancer Risk = LADD x InhSF

References

US EPA. 2001. Supplemental guidance for Developing Soil Screening Levels for Superfund Sites
-- Peer Review Draft. Washington, DC. US EPA. March 2001.

**Background and Technical Support for the
Expert Report of Elizabeth L. Anderson in ICO v. Honeywell**

Table 8

Carcinogenic Inhalation Pathway Deterministic Risk Assessment for a Child Resident

<u>Exposure Factors</u>	<u>Value</u>	<u>Units</u>	<u>Reference</u>
Inhalation Rate (IR)	3.33	m3/d	USEPA 1997 See Note 1
Exposure Frequency (EF)	250	days/year	Assumed See Note 2
Exposure Duration (ED)	1	years	USEPA 2001
Body Weight - Adult (BW)	15	Kg	USEPA 2001
Averaging Time - Carcinogenic (AT - carc)	25550	days	USEPA 2001

Notes:

- 1 The daily inhalation rate was scaled by 8/24 to reflect the hours per day of dust emissions.
- 2 The exposure frequency reflects the days per year when construction emissions could occur.

Chemical-Specific Factors and Risks

<u>Chemical</u>	<u>Chemical Concentration In Air (CA (a))</u> <u>mg/m3</u>	<u>Lifetime Average Daily Dose (LADD)</u> <u>(b)</u> <u>mg/kg-day</u>	<u>Carcinogenic Inhalation Slope Factor (InhSF)</u> <u>(mg/kg-day)⁻¹</u>	<u>Cancer Risk</u> <u>(c)</u>
Hexavalent Chromium	1.71E-03	3.72E-06	4.20E+01	2E-04

A Chronic air concentration estimated using the air concentration assumed at the construction source (i.e., 3.8E-3 mg/m³) and the expected dilution across the site. Dilution factor estimated by modeling generic 100 foot by 200 foot area source in the center of the site using a unit flux rate, then dividing the model predicted annual average concentrations for all receptors by the maximum predicted air concentration in the model run. A dilution factor of 0.45 was used for the scaling factor. See the file *SII Site 115 Air Modeling.OUT* for details of the air modeling output, which shows all model inputs, assumptions and results has been saved as

A LADD = CA x IR x EF x ED / (BW x AT)

B Cancer Risk = LADD x SF

References

US EPA. 2001. Supplemental guidance for Developing Soil Screening Levels for Superfund Sites -- Peer Review Draft. Washington, DC. US EPA. March 2001.

US EPA. 1997. Exposure Factors Handbook, Volumes I through III. Office of Research and Development. August 1997. EPA/600/P-95/002Fa.

**Background and Technical Support for the
Expert Report of Elizabeth L. Anderson in ICO v. Honeywell**

Table 9

**Non-carcinogenic Hexavalent Chromium Inhalation Pathway
Deterministic Risk Assessment for Construction Scenario**

Non-Carcinogenic Hexavalent Chromium Inhalation Pathway Deterministic Risk Assessment for Construction Scenario			
Construction worker	3.80E-03	1.00E-03	4
Utility worker	3.80E-03	1.00E-03	4
Child Resident	1.71E-03	7.00E-05	24

- A See Table 3, Exposure Point Concentrations in Air, for details on method to predict construction and utility air concentrations. See Table 8, Carcinogenic Inhalation Pathway Deterministic Risk Assessment for a Child Resident, Footnote A, for details on the estimation of the child value.
- B See Table 4, Human Health Toxicity Data Used in the Risk Assessment for Hexavalent Chromium, for details on the reference air concentrations.
- C Non Cancer Hazard Quotient = CA / RFC

Table 10

Monte Carlo Risk Assessment Inputs and Results

Exposure Pathway and Receptor	Exposure Variable	Monte Carlo Input	Monte Carlo Results	
			Mean	95 Percentile
Soi Ingestion: Child Resident	Soil concentration, hexavalent chromium in surface soil, mg/kg	Lognormal distribution, Mean = 4288, Standard Deviation = 3147	0.8	3
	Ingestion rate, mg/day	Lognormal distribution, Mean = 100, Standard Deviation = 500		
	Body weight, kg	Lognormal distribution, Mean = 13.3, Standard Deviation = 4.2		
Inhalation: Carcinogenic Hexavalent Chromium: Construction Worker	Air concentration of respirable hexavalent chromium	Uniform distribution, Minimum = 5E-4 mg/m ³ , Maximum = 6E-3 mg/m ³	3E-04	7E-04
	Inhalation rate, m ³ /hour	Triangular distribution, Minimum = 1.1, Likeliest = 1.3, Maximum = 3.3		
	Exposure duration, years	Triangular distribution, Minimum = 0.5, Likeliest = 0.5, Maximum = 2.0		
	Body weight, kg	Lognormal distribution, Mean = 72, Standard Deviation = 15.9		
Inhalation: Carcinogenic Hexavalent Chromium: Child Resident	Air concentration of respirable hexavalent chromium	Uniform distribution, Minimum = 5E-4 mg/m ³ , Maximum = 6E-3 mg/m ³	4E-05	2E-04
	Dilution factor for residential air concentrations from construction	Cummulative distribution: Dilution Factor/Percentile: 0.05/36.5%; 0.1/65.9%; 0.15/77.6%; 0.2/84.3%; 0.25/88.3%; 0.3/91.0%; 0.35/92.8%; 0.4/94.2%; 0.45/95.4%; 0.5/96.3%; 0.55/97.1%; 0.6/97.7%; 0.65/98.2%; 0.7/98.6%; 0.75/99.0%; 0.8/99.26%; 0.85/99.34%; 0.9/99.6%; 0.95/99.9%; 1/100%		
	Body weight	Lognormal distribution, Mean = 13.3, Standard Deviation = 4.2		
Inhalation: Non-carcinogenic Hexavalent Chromium: Construction/Utility Worker	Air concentration of respirable hexavalent chromium	Uniform distribution, Minimum = 5E-4 mg/m ³ , Maximum = 6E-3 mg/m ³	3	6
Inhalation: Non-carcinogenic Hexavalent Chromium: Child Resident	Air concentration of respirable hexavalent chromium	Uniform distribution, Minimum = 5E-4 mg/m ³ , Maximum = 6E-3 mg/m ³	6	20
	Dilution factor for residential air concentrations from construction	Same as cummulative distribution shown above for Child Resident.		

Monte Carlo Evaluation

**Background and Technical Support for the
Expert Report of Elizabeth L. Anderson in ICO v. Honeywell**

Table 11

Ecological Risk Assessment for Surface Water on Site 115

The semi-permanent to permanent presence of surface water on Site 115 in swales and depressions provides a potential for direct contact and ingestion exposures to Cr VI for ecological receptors.

The surface water data described in Table 2 (EPCs in Surface Water) was used to evaluate potential risks to ecological receptors through the use of ecological benchmark toxicity levels.

Aquatic Receptors

Comparison of Surface Water Data from Site 115 with Federal Ambient Water Quality Standards

Comparison of Surface Water Data from Site 115 with Federal Ambient Water Quality Standards						
Parameter	Site 115	CMC	CCC	CMC	CCC	CMC
Hexavalent Chromium	11	19,900	1,592	3,700	16	11

A CMC = Criteria maximum concentration = highest concentration of a material in surface water to which an aquatic community can be exposed briefly without resulting in an unacceptable effect.

B CCC = Criterion Continuous Concentration = estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed indefinitely without resulting in an unacceptable effect.

Terrestrial and Avian Receptors

**Comparison of Surface Water Data for Site 115 with National Academy of Science (NAS 1974)
health based recommended limit in drinking water for livestock and poultry.**

Comparison of Surface Water Data for Site 115 with National Academy of Science (NAS 1974) health based recommended limit in drinking water for livestock and poultry.					
Analyte	Site 115	CMC	CCC	CMC	CCC
Cr VI	11	19,900	1,592	3,700	1,000

References

National Academy of Sciences. 1974. Nutrients and Toxic Substances in Water for Livestock and Poultry. Washington, DC. Subcommittee on Nutrient and Toxic Elements in Water, NAS.

US EPA. 1999. National Recommended Water Quality Criteria -- Correction. Office of Water, US EPA. April 1999. EPA 822-Z-99-001.

**Background and Technical Support for the
Expert Report of Elizabeth L. Anderson in ICO v. Honeywell**

Table 12

**Verification of the NJDEP Proposed Soil Cleanup Criteria
for Hexavalent Chromium via the Residential Soil Ingestion Scenario**

The NJ DEP (1998) has proposed a soil cleanup criteria of 240 mg/kg for residential incidental soil ingestion of hexavalent chromium in soil. Using the soil ingestion portion of the algorithm provided by the USEPA (2001) for residential exposures to non-carcinogenic contaminants in soil, the soil screening level is given by:

$$SSL_{CrVI} (mg/kg) = \frac{THQ \cdot BW \cdot AT \cdot 365 \text{ d/yr}}{RfD \cdot 10^{-6} \text{ kg/mg} \cdot EF \cdot ED \cdot IR}$$

where:

- SSL Cr VI = Risk based soil screening value for Cr VI for residential soil ingestion.
- THQ = Total hazard quotient, unitless = 1
- BW = Body weight = 15 kg.
- AT = Averaging time = 6 years.
- RfDo = Oral reference dose for Cr VI = 3E-3 mg/kg-day
- EF = Exposure frequency = 350 day/year
- ED = Exposure duration = 6 years.
- IR = Soil incidental ingestion rate for children = 200 mg/day.

The risk based soil screening value for Cr VI for residential soil ingestion based on the algorithm and exposure inputs given above yields a value of ~ 240 mg/kg, which matches the value recommended by NJDEP.

References

- NJDEP. 1998. Summary of the Basis and Background of the Soil Cleanup Criteria for Trivalent and Hexavalent Chromium. Trenton, NJ. New Jersey . Department of Environmental Protection. Sep 18, 1998
- US EPA. 2001. Supplemental guidance for Developing Soil Screening Levels for Superfund Sites -- Peer Review Draft. Washington, DC. US EPA. March 2001.